



#5

Declaration for Patent Application

Docket Number: 1735.0470001/RWE/ALS

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: Method of Identifying Immunosuppressive Agents,

the specification of which is attached hereto unless the following box is checked:

- was filed on August 2, 2001;
as United States Application Number 09/920,332; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed
(Application No.)	(Country)
(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Country)
(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

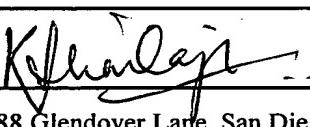
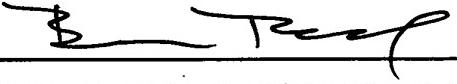
Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Shailaja KASIBHATLA
Signature of sole or first inventor	
Date	10/22/01
Residence	10788 Glendover Lane, San Diego, CA 92126
Citizenship	USA
Mailing Address	same as above
Full name of second inventor	Douglas R. Green
Signature of second inventor	
Date	10-18-01
Residence	4153 Tynebourne Circle, San Diego, CA 92130
Citizenship	USA
Mailing Address	same as above
Full name of third inventor	Ben Tseng
Signature of third inventor	
Date	10/23/01
Residence	13255 Capstone Drive, San Diego, CA 92130
Citizenship	USA
Mailing Address	same as above



POWER OF ATTORNEY FROM ASSIGNEE

Cytovia, Inc., a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, CA 92121, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (a) July 9, 2001, (b) July 31, 2001, and (c) July 9, 2001 of an invention known as Method of Identifying Immunosuppressive Agents (Attorney Docket No. 1735.0470000/RWE/ALS), which is disclosed and claimed in a patent application of the same title by the inventors (a) Shailaja Kasibhatla, (b) Douglas R. Green, and (c) Ben Tseng (said application filed on August 3, 2000 at the U.S. Patent and Trademark Office, having Application Number 60/222,897).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.

SIGNATURE: BT PT

BY: Ben Y. Tseng, Ph.D.

TITLE: Senior Director, Research

DATE: 10/23/01

Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Maxim Pharmaceuticals, Inc.

Application No.: 09/920,332 Filed: August 2, 2001

Entitled: Method of Identifying Immunosuppressive Agents

Cytovia, Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest, or
2. an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An Assignment from the inventors of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 10/23/01

Name: Ben Y. Tseng, Ph.D.

Title: Senior Director, Research

Signature:

**DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION**

ASSIGNMENT OF A PROVISIONAL APPLICATION FOR PATENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Shailaja Kasibhatla, Douglas R. Green and Ben Tseng, the undersigned hereby sell(s) and assign(s) to Cytovia, Inc. (the Assignee) their entire right, title and interest, including the right to sue for and collect for all past, present and future damages,

check applicable box(es)

- for the United States of America (as defined in 35 U.S.C. § 100),
 and throughout the world,

(a) in the invention(s) known as Method of Identifying Immunosuppressive Agents for which a provisional application for patent in the United States of America has been filed on August 3, 2000 (also known as United States Application No. 60/222,897), in any and all non-provisional applications thereon, in any and all Letters Patent(s) granted on such non-provisional applications, and (b) in any and all continuing applications, reissues, extensions, renewals and reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, and (c) in all forms of intellectual and industrial property protection derivable from the above patent application(s), and that are derivable from any and all continuing applications, reissues, extensions, renewals, reexaminations and priority documents of such patent application(s), including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable; such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the provisional application for patent and with any non-provisional continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning any non-provisional continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that the undersigned has full right to convey the entire interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokoh, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: 7/9/01 Signature of Inventor: X Shailaja Kasibhatla
Signature of Inventor: Douglas R. Green
Signature of Inventor: Ben Tseng

**DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION**

ASSIGNMENT OF A PROVISIONAL APPLICATION FOR PATENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Shailaja Kasibhatla, Douglas R. Green and Ben Tseng, the undersigned hereby sell(s) and assign(s) to Cytovia, Inc. (the Assignee) their entire right, title and interest, including the right to sue for and collect for all past, present and future damages,

check applicable box(es)

- for the United States of America (as defined in 35 U.S.C. § 100),
 and throughout the world,

(a) in the invention(s) known as Method of Identifying Immunosuppressive Agents for which a provisional application for patent in the United States of America has been filed on August 3, 2000 (also known as United States Application No. 60/222,897), in any and all non-provisional applications thereon, in any and all Letters Patent(s) granted on such non-provisional applications, and (b) in any and all continuing applications, reissues, extensions, renewals and reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, and (c) in all forms of intellectual and industrial property protection derivable from the above patent application(s), and that are derivable from any and all continuing applications, reissues, extensions, renewals, reexaminations and priority documents of such patent application(s), including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable; such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the provisional application for patent and with any non-provisional continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

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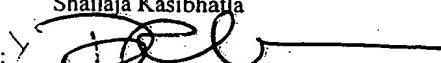
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IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: X Signature of Inventor: ✓

Shailaja Kasibhatla

Date: 7/31/01 Signature of Inventor: ✓

Douglas R. Green

Date: X Signature of Inventor: ✓
Ben Tseng